

on or about February 8, 1940, to November 24, 1941, from the State of California into the States of Idaho and Washington of a quantity of drug which was misbranded. The articles were labeled in part: (Cans) "Radcliffe's Original Powdered Milk of Soya Bean," or "Tropical Coconut Milk."

The powdered milk of soya bean was alleged to be misbranded in that the statements appearing in its labeling which represented and suggested that it was endorsed by the U. S. Department of Agriculture, Washington, D. C.; that it was original powdered milk of soya bean, was especially valuable for infant feeding, and was as good as or better than mother's milk; that it was rich in vitamins; that it was a nerve, brain, and gland rejuvenator, and would be efficacious in the cure, mitigation, treatment or prevention of diabetes were false and misleading since the article was not endorsed by the U. S. Department of Agriculture, Washington, D. C.; it was not original powdered milk of soya bean; it was not especially valuable for infant feeding; it was not as good as or better than mother's milk, and was not rich in vitamins; it was not a nerve, brain, or gland rejuvenator, and would not be efficacious in the cure, mitigation, treatment, or prevention of diabetes.

The coconut milk was alleged to be misbranded in that the statements appearing in its labeling, which represented and suggested that it was a tropical coconut milk; that it would provide energy, strength, and vitality to the user; that it was efficacious for health building, and would be efficacious in the cure, mitigation, treatment, or prevention of colitis, underweight, weak stomach, stomach ulcers, nerve exhaustion and sleeplessness, and in the treatment of convalescents; and that it was rich in vitamins and minerals were false and misleading since the article was not a tropical coconut milk and would not provide energy, strength, or vitality to the user; it was not efficacious for health building, and would not be efficacious in the cure, mitigation, treatment, or prevention of colitis, or underweight, or weak stomach, stomach ulcers, nerve exhaustion or sleeplessness, nor in the treatment of convalescents; and it was not rich in vitamins or minerals.

The articles were also alleged to be misbranded under the provisions of law applicable to foods as reported in the notices of judgment on foods.

On November 3, 1942, the defendant having entered a plea of guilty, the court placed him on probation for 2 years.

934. Misbranding of Cruetz Herb Douche and Cruetz No. 9 and No. 10 Herb Tea. U. S. v. William H. Cruetz, Sr. (St. Clair Herb Co.). Plea of guilty. Sentence suspended and defendant placed on probation for 5 years. (F. D. C. No. 7314. Sample Nos. 1968-F, 7061-F to 7063-F, incl.)

The labeling of these products contained false and misleading therapeutic claims.

On April 24, 1943, the United States Attorney for the Eastern District of Illinois filed an information against William H. Cruetz, Sr., a partner in the firm of St. Clair Herb Co., East St. Louis, Ill., alleging shipment on or about October 17, 19, and 24, 1942, from the State of Illinois into the States of Indiana and Missouri of quantities of the above-named drugs which were misbranded.

Analysis of the Cruetz No. 10 Herb Tea showed that it consisted essentially of small proportions of extracts of plant drugs, salicylic acid, and water. It was alleged to be misbranded in that the statements, "Remedies that Build Health * * * Blood, Kidneys, Bladder, Rheumatism and Female Disorders," appearing in its labeling, represented and suggested that it would be efficacious to build health; that it would be efficacious in the cure, mitigation, treatment, or prevention of disorders and diseases of the blood, kidneys, and bladder, and of rheumatism and female disorders, and were false and misleading since it would not be efficacious for such purposes.

Analysis of the Cruetz Herb Douche showed that it consisted essentially of a small proportion of ferric sulfate and smaller proportions of compounds of magnesium and calcium, and plant extractives and water. It was alleged to be misbranded in that the statements "Remedies that Build Health * * * Recommended in the Relief of Infections and Growths of the Female Organs," appearing in its labeling, represented and suggested that it would be efficacious to build health, and would be efficacious in the cure, mitigation, treatment, or prevention of infections and growths of the female organs, and were false and misleading since it would not be efficacious for such purposes.

Analysis of Cruetz No. 9 Herb Tea showed that it consisted essentially of small proportions of extracts of plant drugs, salicylic acid, and water. It was alleged to be misbranded in that the statements "Remedies that Build Health * * *

Blood, Gout, Kidneys, Bladder, Rheumatism and Run Down Manhood," appearing in its labeling, represented and suggested that it would be efficacious to build health, and would be efficacious in the cure, mitigation, treatment, or prevention of disorders and diseases of the blood, kidneys, and bladder, and gout, rheumatism, and run-down manhood, that is, impaired sexual vigor, and were false and misleading since it would not be efficacious for such purposes.

All three of these products were also alleged to be misbranded further in that they were in package form and did not bear labels containing accurate statements of the quantity of their contents in terms of measure.

On June 17, 1943, the defendant having entered a plea of guilty, the court suspended imposition of sentence and placed the defendant on probation for 5 years, with provision that he should discontinue the sale or the giving away of medicines.

935. Adulteration and misbranding of Domino Brand Antiseptic Rubbing Compound with Isopropyl Alcohol. U. S. v. 4,495 Dozen and 301 Dozen Bottles of Domino Brand Antiseptic Rubbing Compound with Isopropyl Alcohol. Consent decree of condemnation. Product and labels ordered destroyed. Empty bottles returned to claimant. (F. D. C. No. 6124, 6216. Sample Nos. 75757-E, 75775-E, 75776-E.)

This product was short-volume and was neither antiseptic nor a rubbing alcohol. In addition, its label failed to bear a statement of the quantity of proportion of isopropyl alcohol present.

On November 1 and 15, 1941, the United States attorney for the District of Massachusetts filed libels at Boston, Mass., against 4,495 dozen bottles of Domino Brand Antiseptic Rubbing Compound with Isopropyl Alcohol, alleging that the article had been shipped by Halitosine Co., St. Louis, Mo., from on or about September 19 to October 9, 1941, and against 301 dozen bottles of the same product shipped by Frank's Economy Store, Burlington, Vt., from on or about October 7 to 14, 1941.

Examination of samples taken from these consignments showed that the article consisted essentially of water, isopropyl alcohol approximately 9 percent by volume, methyl salicylate, boric acid, and menthol. The article was alleged to be adulterated in that its strength differed from that which it purported or was represented to possess since it was not antiseptic, as stated in the labeling. It was alleged to be misbranded: (1) In that the statement "1 Pint" appearing on the label was false and misleading as applied to an article that contained less than 1 pint. (2) In that the word "Antiseptic" appearing on the label was false and misleading as the article was not antiseptic. (3) In that the following statements appearing on the label created the false and misleading impression that the article was rubbing alcohol or the equivalent of rubbing alcohol: "Rubbing Compound with Isopropyl Alcohol * * * Used for Massaging, Sponging, After Bathing, Cooling and Refreshing for Hospital and Home." And (4) in that the label did not bear a statement of the quantity or proportion of isopropyl alcohol present. One lot, 301 dozen bottles, was alleged to be misbranded further in that the label did not bear a statement of the common or usual name of the drug since the word "Hexahydrothymol," borne on the label, is not the common or usual name of the ingredient menthol.

On December 18, 1942, Harry Lepler, trading as Lepler & Company, Boston, Mass., the claimant, having admitted the allegations of the libel, a consolidated decree of condemnation was entered and the court ordered that the contents of the bottles and their labels be destroyed, and the empty bottles be returned to the claimant.

936. Misbranding of aspirin tablets. U. S. v. 28 Dozen Packages of Aspirin Tablets. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 7517. Sample No. 83804-E.)

On May 16, 1942, the United States attorney for the Southern District of Texas filed a libel against 28 dozen packages of aspirin tablets at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about January 29, 1941, by the Halitosine Co. from St. Louis, Mo.; and charging that it was misbranded in that the statement on the label, "100 Tablets," was false and misleading as applied to an article that was short-count, since the bottles did not contain 100 tablets. The article was labeled in part: "Domino 100 Tablets Aspirin USP 5 Grains Each."

On July 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to a charitable institution.